REMARKS

Initially, Applicants would like to thank the Examiner for taking time to discuss this case with Applicant's Attorney on May 5, 2005. The amendments made by this paper are consistent with the proposals discussed with the Examiner and which were found to distinguish the claims over the art of record.

The Office Action, mailed April 6, 2005, considered and rejected claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46, 47, and 49-71.[1]

By this paper, each of the independent method claims at issue (claims 44, 49, 54) have been amended and claims 63-65 have been cancelled. Dependent claims 69-71 have also been amended, such that claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46, 47, 49-62 and 66-71 now remain pending for reconsideration.

As discussed previously, the present case is directed to embodiments for inserting an advertisement into a document displayed on a display device. The method recited in claim 44, for example, includes compiling a profile of the user of the information retrieval system at the client system, the profile including information corresponding to television programming viewed by the user. As further clarified, this profile is updated every time the client views a television program[2]. The method also includes the client system requesting an information document from the server computer and selecting an advertisement from an advertisement repository for insertion into the information document based on the user profile, wherein the profile includes information related to only a most recently viewed television program, such that television programming viewed less recently than the most recently viewed television programming is not included in the profile for use in selecting the advertisement. The client then inserts data

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[1] Claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46, 49-51, 53, 63, 64, 66, 67, 69, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al. (WO 98/56128) in view of Bedard (U.S. Patent No. 5,801, 747). Claims 46 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al. (WO 98/56128), in view of Bedard (U.S. Patent No. 5,801, 747), and in further view of Brown, et al. (U.S. Patent No. 5,887,133). Claims 54-58, 60-62, 65, 68, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 5,887,153) in view of Bedard (U.S. Patent No. 5,801, 747). Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 5,887, 153) in view of Bedard (U.S. Patent No. 5,801,747) and in further view of Gupta et al. (U.S. Patent No. 6,487,538). Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for this amendment, based on the disclosure found on page 17 of the specification, was clarified, reviewed and approved by the Examiner and other supervisory Examiners and was found to overcome the art of record.

representing the selected advertisement into the information document; and displays the information document, including the selected advertisement, on the display device.

Whereas the method in claim 44 is directed to the perspective of the client, the other independent method claims 49 and 54 are directed to the same basic method only claimed from the perspective of a remote server and ISP, respectively. Corresponding computer program product claims (34, 53, 58) are also claimed, and include the limitations of the corresponding method claims.

As discussed with and generally agree to by the Examiner, the known art of record fails to teach or suggest any method, as claimed, wherein the user profile that is used to select an advertisement is based on the most recently viewed television programming and updated every time a television program is viewed, and particularly in combination with the other recited claim elements.

Such a teaching of updating the user profile, for example, is in stark contrast with the teachings of Bedard indicate that short durations of viewing programming is insignificant and ignored. (Col. 3, ll. 63- Col. 4, ll. 2). For at least this reason, Bedard fails to anticipate or make obvious the claimed invention, either singly or in combination with Perlman, Brown, or any of the other known art of record.

As further discussed with the examiner, the cited art also fails to disclose or suggest a method as claimed, wherein information relating to the user profile is only retained in the user profile for only a predetermined period of time, as recited in dependent claims 69-71. By this paper, the term set period of time was changed to predetermined period of time, as discussed with the examiner to more particularly clarify that the set period of time is a predetermined period of time. During discussions with the examiner, the explicit and inferred disclosure on page 17 was found to clearly support this amendment.

For at least the foregoing reasons, as well as the others discussed with the Examiner on May 5, 2005, Applicants respectfully submit that the pending claims are distinguished over the art of record and are in condition for immediate allowance.[3]

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[3] Applicants also submit that the reasons provided in the last response as well as all previous responses are also persisting reasons for distinguishing the pending claims over the art of record, and particularly with regard to the previous arguments presented with regard to Bedard and the purported support in Bedard for a single profile entry. In view of this, Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. However, in

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 6 day of May, 2005.

Respectfully submitted,

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this regard, it should be appreciated that Applicants do not necessarily acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.